

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application.

Claims 1-6. (Canceled)

Claim 7. (Currently Amended) A nucleic acid construct comprising at least one isolated polynucleotide ~~of claim 21~~ comprising (i) the nucleotide sequence selected from the group consisting of the nucleotide sequence from about nucleotide position 1 to about nucleotide position 3958 of SEQ ID NO:15 or a variant thereof, wherein said variant comprises deletions, additions, insertions, and/or substitutions of from 1 to 50 bases of said sequence and (ii) an effector gene, wherein said polynucleotide activates the transcription of said effector gene.

Claim 8. (Cancelled).

Claim 9. (Previously Presented) A nucleic acid construct of claim 8, wherein said isolated polynucleotide is upstream of the effector gene.

Claim 10. (Original) A nucleic acid construct of claim 9, wherein said effector gene is a stearyl-CoA desaturase gene.

Claim 11. (Original) A nucleic acid construct of claim 10, wherein said effector gene is human stearyl-CoA desaturase gene.

Claim 12. (Original) A host cell that comprises a nucleic acid construct of claim 7.

Claim 13. (Currently Amended) A host cell that comprises a nucleic acid construct of claim 8.

Claims 14-24. (Canceled)

Claim 25. (Currently Amended) A nucleic acid construct comprising at least one isolated polynucleotide ~~of claim 22~~ comprising (i) the nucleotide sequence selected from the group consisting of the nucleotide sequence from about nucleotide position 1 to about nucleotide position 3910 of SEQ ID NO:15 or a variant thereof, wherein said variant comprises deletions, additions, insertions, and/or substitutions of from 1 to 50 bases of said sequence and (ii) an effector gene, wherein said polynucleotide activates the transcription of said effector gene.

Claim 26. (Cancelled)

Claim 27. (Previously Presented) A nucleic acid construct of claim 26~~5~~, wherein said DNA is upstream of the effector gene.

Claim 28. (Previously Presented) A nucleic acid construct of claim 27, wherein said effector gene is a stearyl-CoA desaturase gene.

Claim 29. (Previously Presented) A nucleic acid construct of claim 28, wherein said effector gene is human stearyl-CoA desaturase gene.

Claim 30. (Previously Presented) A host cell that comprises a nucleic acid construct of claim 25.

Claim 31. (Currently Amended) A host cell that comprises a nucleic acid construct of claim 26~~7~~.

Claim 32. (New) A nucleic acid construct of claim 7, wherein said polynucleotide consists of the nucleotide sequence from about nucleotide position 1 to about nucleotide position 3958 of SEQ ID NO:15.

Claim 33. (New) A nucleic acid construct of claim 9, wherein said polynucleotide consists of the nucleotide sequence from about nucleotide position 1 to about nucleotide position 3958 of SEQ ID NO:15.

Claim 34. (New) A nucleic acid construct of claim 10, wherein said polynucleotide consists of the nucleotide sequence from about nucleotide position 1 to about nucleotide position 3958 of SEQ ID NO:15.

Claim 35. (New) A nucleic acid construct of claim 11, wherein said polynucleotide consists of the nucleotide sequence from about nucleotide position 1 to about nucleotide position 3958 of SEQ ID NO:15.

Claim 36. (New) A nucleic acid construct of claim 25, wherein said polynucleotide consists of the nucleotide sequence from about nucleotide position 1 to about nucleotide position 3910 of SEQ ID NO:15.

Claim 37. (New) A nucleic acid construct of claim 27, wherein said polynucleotide consists of the nucleotide sequence from about nucleotide position 1 to about nucleotide position 3910 of SEQ ID NO:15.

Claim 38. (New) A nucleic acid construct of claim 28, wherein said polynucleotide consists of the nucleotide sequence from about nucleotide position 1 to about nucleotide position 3910 of SEQ ID NO:15.

Claim 39. (New) A nucleic acid construct of claim 29, wherein said polynucleotide consists of the nucleotide sequence from about nucleotide position 1 to about nucleotide position 3910 of SEQ ID NO:15.